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DISTRICT OF UTAH

BY:

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

JEFFREY ADAMS, et al.,

Plaintiffs,

vs.

BAYER AG; BAYER CORPORATION, a
wholly owned subsidiary of BAYER AG;
SMITHKLINE BEECHAM
CORPORATION, dba
GLAXOSMITHKLINE;
GLAXOSMITHKLINE PLC, et al.,

**NOTICE OF REMOVAL OF A CIVIL
ACTION FROM STATE COURT TO
FEDERAL COURT**

Judge Tena Campbell
DECK TYPE: Civil
DATE STAMP: 05/04/2004 @ 16:36:22
CASE NUMBER: 2:04CV00419 TC

Defendants.

Under 28 U.S.C. §§ 1441 and 1446, defendant Bayer Corporation ("Bayer"), through its attorneys, hereby gives NOTICE OF REMOVAL of the civil action pending against it in the Third District Court of the County of Salt Lake, State of Utah, to this Court. Bayer alleges as grounds for removal the following:

1. On April 5, 2004, Bayer was served with a Summons and Complaint in the civil action entitled Jeffrey Adams, et al. v. Bayer AG; Bayer Corporation, a wholly owned subsidiary of Bayer AG; Smithkline Beecham Corporation dba Glaxosmithkline PLC, et al., Civil No. 030917600, which commenced in the Third Judicial District Court in and for the County of Salt Lake, State of Utah.

2. Plaintiffs apparently are residents of the State of Utah.

3. The Complaint alleges that defendant Bayer AG is a global diversified company with its headquarters in Leverkusen, Germany.

4. Bayer Corporation is an Indiana corporation with its primary address in Pennsylvania.

5. The Complaint alleges that defendant GlaxoSmithKline PLC is a foreign corporation with its principal place of business in the United States in Pennsylvania.

6. The Complaint alleges that defendant Smithkline Beecham, dba GlaxoSmithKline is a Pennsylvania corporation with its principal place of business in Pennsylvania.

7. Plaintiffs pray for judgment in excess of \$75,000.

8. This Court has original jurisdiction of the above-entitled action, pursuant to 28 U.S.C. § 1332, and hence, this action may be removed to this Court pursuant to 28 U.S.C. §§ 1441(a). Copies of the Summons and Complaint are attached hereto.

WHEREFORE, defendant Bayer Corporation hereby submits notice that the above-entitled matter is removed from the Third Judicial District Court in and for the County of Salt Lake, State of Utah, to this Court, in accordance with the provisions of 28 U.S.C. § 1446.

DATED this 3rd day of May, 2004.

SNOW, CHRISTENSEN & MARTINEAU

By 

David W. Slagle
Camille N. Johnson
Attorneys for Defendant Bayer Corporation

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CERTIFICATE OF SERVICE

I hereby certify that I served the attached **NOTICE OF REMOVAL OF A CIVIL ACTION FROM STATE COURT TO FEDERAL COURT** upon the parties listed below by placing a true and correct copy thereof in an envelope addressed to:

Matthew T. Graff
GRAFF & ASSOCIATES
1957 W. Royal Hunte Drive, Suite 200
Cedar City, UT 84720
Attorney for Plaintiff

and causing the same to be mailed first class, postage prepaid, on the 4~~4~~ day of May, 2004.



Exhibits/
Attachments
to this document
have not been
scanned.

Please see the
case file.